

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

FIREMAN'S FUND INSURANCE COMPANY, :
as subrogee of Catholic Medical Center, :

Plaintiff, :

v. :

YEATON ASSOCIATES, INC., *et al.* :

Defendants. :

Civil Action No. 1:16-cv-460-JD

STIPULATION TO AMEND COMPLAINT

The Parties, through their undersigned counsel, hereby stipulate and agree:

1. Paragraph 14 of Plaintiff's Complaint is amended to read as follows: "On information and belief, Defendant Yeaton Associates, Inc. provided heating, ventilation, and air-conditioning design services during construction of the Subject Property."

2. Paragraph 29 of Plaintiff's Complaint is amended to read as follows: "The September 17 water loss and resulting damage to the Subject Property were the direct and proximate result of the negligence, carelessness, recklessness, and/or negligent acts and omissions of Defendant Yeaton Associates, Inc. and/or its agents and/or employees, acting within the scope of their employment, as follows:

- A. Improperly designing the Subject Property's heating, ventilation, and air conditioning system;
- B. Failing to properly coordinate the installation of the Subject Property's heating, ventilation, and air conditioning system with other work performed in the Subject Property;
- C. Allowing the Subject Heater to be installed too close to the Subject Sprinkler Head; and
- D. Exposing the Subject Property to an unreasonable risk of water damage.

Date: May 9, 2017

Respectfully submitted,

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